UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,688	10/17/2001	Erkki Tanskanen	017.38084X00	6692

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EXAMINER
BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/981,688	TANSKANEN ET AL.
	Examiner	Art Unit
	X L. Bautista	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 April 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4,6 and 9-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,6 and 9-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Prosecution Reopened

1.   Prosecution has been reopened and the allowance mailed on 15 June 2005 is

withdrawn. References Odom et al, Boushy, Gerace, Jancke et al, Goldberg, and

Stronach still apply, and a new non-final rejection is therefore made based on these

references and Goldhaber et al.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-4, 6, and 9-42 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3.   Claims 19-23 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. Claims 19-23 recite a computer

program. These claims do not truly fit any of the four statutory classes of invention,

"process, machine, manufacture, or composition matter." They are not even held

upon a computer-readable medium, as discussed in the Guidelines for examination,

1995. The claims recite nothing more than information, having some potential use

to a computer capable of reading and interpreting them, in a manner analogous to

the information content of printed matter, long held to be non-statutory.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

5.   **Claims 1, 4, 6, 9-12, 14-27, and 30-40 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over *Odom et al* (US 6,058,379), *Boushy* (US 5,761,647) and

Goldhaber et al (US 5,855,008).

Claims 1, 14, 19 and 30:

Odom discloses a real-time interactive system and method for electronic

exchange of goods and services via an electronic network. Odom teaches a bidding

mechanism that may be used for sellers and buyers to raise or lower bids and offers

(abstract; col. 1, lines 7-10). Odom shows (fig. 1) client server architecture. Odom

illustrates (fig. 1) client connected to receive an interactive provider server and

respond to signals based on real-time interactive content over a communications

channel received from the interactive provider server (col. 3, lines 1-16; col. 4, lines

15-24). Odom teaches an interface page (web page; col. 3, lines 24-34; col. 5, lines

46-57; col. 9, lines 18-29) for providing information pertinent to the real-time

interactive content to the client; the page configured to display information

according to predetermined criteria (filter, predefined parameters; col. 2, lines 43-

46; col. 3, lines 34-39; col. 4, lines 50-52, 66-67; col. 6, lines 32-40; col. 8, lines 66-67;

col. 9, lines 1-8, 39-48; col. 10, lines 37-59; col. 12, lines 54-67; col. 13, lines 1-7).

Odom does not teach that the content is tailored to the transmission and

reception capabilities of the client. However, Boushy discloses a system and method

for tracking customer's gaming and non-gaming activity across affiliated casino

properties. Boushy explains that casino management systems are typically custom

designed for each casino property, the customer data is limited to selected customer

activity at the specific casino property, and the customer data accumulated by

different computer systems within the same casino is often in different,

incompatible formats (col. 1, lines 54-67; col. 2, lines 1-2, 5-67). Boushy teaches

content tailored to the transmission and reception capabilities of the client

(abstract; col. 7, lines 1-67; col. 8, lines 1-44). Therefore, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to include

Boushy's teaching of tailoring content according to transmission and reception

capabilities in Odom's system for network exchange because as Boushy says, clients

may be computer systems having different transmission/reception capabilities

(workstations, PCs, slots, kiosks, gaming tables, etc.; figs. 2B, 3), which creates

problems when making data available to the customer. Moreover, all computers are

tailored (made, configured) to transmit/receive according to their capability.

Odom does not teach that the page is configured to display information based on the user's preferences. However, Goldhaber discloses a system for distributing information (advertising, etc.) that utilizes user's profiles to determine what type of information will be presented to the user (abstract; col. 4, lines 57-67; col. 5, lines 1-13, 31-34; col. 7, lines 11-22, 28-45; col. 12, lines 15-33; col. 13, lines 36-45; col. 14, lines 47-52). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Odom/Boushy's real-time interactive system to include Goldhaber's teaching of displaying information according to the user's interest and trend because users are provided with a page that is easy to comprehend and has specific and targeted content.

Claims 6, 11, 12, 24, 26, 27, 37, 39 and 40:

See claim 1. Odom teaches that the interactive provider server is a betting service, that the client responses comprise bets or betting information, and pertinent information relating to teams upon which the client has made bets (col. 10, lines 36-59; col. 11, lines 10-18; col. 12, lines 4-14, 54-67; col. 13, lines 1-15).

Claim 9:

Odom teaches the interactive provider server is a web server on the Internet (col. 1, lines 53-65; col. 3, lines 24-28; col. 5, lines 46-48; col. 9, lines 18-19).

Claim 10:

Odom teaches content is obtained from a plurality of sources (col. 9, lines

9-17, 49-55; col. 13, lines 43-54).

Claims 15, 20 and 32:

Odom teaches that users are provided with current information (interactive

content is retrieved and updated automatically), which is updated automatically

(col. 3, lines 37-46; col. 5, lines 51-57; col. 6, lines 28-58).

Claims 16, 17, 21, 22, 33 and 34:

Odom teaches database 130 (fig. 1; col. 3, lines 5-12; col. 4, lines 37-44).

Odom teaches that bid information processing may include a first level of filtering

to determine if the bid meets predefined criteria or rates (col. 3, lines 32-36).

Claims 18, 23 and 35:

See claim 16. Odom teaches interactive information that can be organized

and shared among a plurality of users (abstract; col. 1, lines 67; col. 2, lines 1-26)

and individual user information (profile) that is generated for respective users (see

claim 1, user predefined criteria, preferences).

Claims 25 and 38:

See claim 6. Odom teaches information comprising current information

regarding prospective wagers (col. 13, lines 15-42).

Claims 31 and 36:

See claim 1. Odom teaches that bids may be broadcast to all participants in

the exchange (col. 6, lines 56-58).

6.   Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Odom/Boushy/Goldhaber* and *Gerace* (US 5,848,396).

Claim 4:

Odom/Boushy/Goldhaber does not teach the visual elements of the interface

page can be altered to color preference. However, Gerace discloses a computer

network method and apparatus for providing targeting of appropriate audience

based on profiles (fig. 3a; 22 col. 3, lines 39-67; col. 4, lines 1-11; col. 5, lines 54-62;

col. 7, lines 4-22). Gerace teaches a page configured to display pertinent

information according to preferences (col. 5, lines 15-25; col. 6, lines 22-39). Gerace

teaches that the system records presentation preferences including color (col. 2,

lines 16-23). Gerace teaches that a screen view may be formatted according to user

preferences (color, presentation of details), (col. 5, lines 15-24; col. 6, lines 22-34).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time

the invention was made to include Gerace's teaching of altering a page to color

preference in Odom/Boushy/Goldhaber's interface because it enables users to

personalize the page according to the user's mood, likes, or dislikes.

Claim 13:

See claim 4. Gerace teaches answers to questions answered prior to

providing personalized services (col. 4, lines 1-67; col. 5, lines 1-14).

7.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Odom/Boushy/Goldhaber and *Jancke et al* (US 5,764,913).

Claim 2:

Odom/Boushy/Goldhaber does not teach that pertinent information is

displayed using traffic lights. However, Jancke discloses state icons in the form of

traffic lights. The state icons are status indicators used for informing the user

about the operational state of nodes connected to the network (abstract; figures 2-4;

col. 2, lines 42-59; col. 3, lines 17-46). Therefore, it would have been obvious to one

ordinarily skilled in the art at the time the invention was made to modify

Odom/Boushy/Goldhaber's interactive display to include traffic light icons to display

pertinent information because these icons provide the user with information at-a-

glance. The user receives feedback or additional information about a task or a bet

just by displaying specific colors.

8.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Odom/Boushy/Goldhaber and *Goldberg et al* (US 6,712,702 B2).

Claim 3:

Odom discloses status/time and start/stop time (col. 3, lines 16-20; col. 5, lines

15-18; col. 6, lines 59-63; col. 8, lines 30-39; col. 9, lines 39-43) but does not teach

providing the time left in the betting window. However, Goldberg discloses a

method for automating playing games (bets) that can be played by a large number

of players (abstract; col. 1, lines 23-29; col. 2, lines 4-12). Goldberg teaches a player

information area 296 having two fields provided for displaying playing time

information such as "elapsed playing time" and "remaining playing time" (col. 13,

lines 53-67; col. 14, lines 1-5). Thus, it would have been obvious to a person having

ordinary skill in the art at the time of invention to modify Odom's interactive

display to include a player information area having playing time information

because as Goldberg says, this information is useful to the players when playing in

a tournament because the player is able to determine how much time is left and the

number of games remaining.

9.   **Claims 28, 29, 41, and 42 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over *Odom/Boushy/Goldhaber* and *Stronach* (US 6,666,769).

Claims 28 and 41:

        Odom/Boushy/Goldhaber does not teach a live video feed. However, Stronach

discloses a multimedia wagering system having a race providing system for

facilitating wagering on race events and a plurality of multimedia wagering

terminals in communication with the race providing system for wagering on the

race events (abstract; col. 3, lines 36-65). Stronach teaches an interface displaying a

live feed video and interactive content having wagering information related to

content in the live video feed (col. 5, lines 28-67; col. 6, lines 5, 34-44). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Odem/Boushy/Goldhaber's interactive system to

include Stronach's live video feed because users are provided not only with a real-

time interactive content but are also enabled to watch live video feed events for and

view betting information and other information related to the live video feeds.

Claims 29 and 42:

See claim 6. Odom teaches information comprising current information

regarding prospective wagers and allowable wagers (meets predefined criteria), (col.

13, lines 15-42).

Conclusion

10.   The prior art made of record on form PTO-892 and not relied upon is

considered pertinent to applicant's disclosure. Applicant is required under 37

C.F.R. § 1.111(c) to consider these references fully when responding to this action.

The documents cited therein teach a system that modifies information to be

displayed based on preferences of the user (*Cheng et al.* abstract; col. 1, lines 11-35;

col. 2, lines 47-56; col. 4, lines 14-36; col. 9, lines 28-61; col. 15, lines 47-65; *Malkin*

et al. abstract; col. 1, lines 5-31, 57-59; col. 2, lines 14-25, 44-50, 60-62; col. 3, lines

26-32; col. 12, lines 59-67; col. 13, lines 1-8, 51-56; col. 18, lines 54-67; col. 19, lines

26-28; *Arellano et al.* abstract; col. 2, lines 29-35; col. 3, lines 61-67; col. 4, lines 1-3,
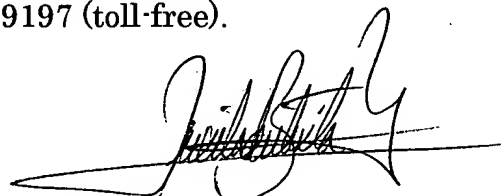
13-21, 29-33, 52-58, 64-67; col. 5, lines 1-6, 24-36, 60-62; col. 8, lines 65-67; col. 9,

lines 1-32; col. 10, lines 55-67; col. 11, lines 1-24), and transmission/reception of

information according to the computer's capabilities (*Driscoll, Jr. et al.* abstract; col.

7, lines 6-67; col. 8, lines 1-15; *Gregory, III et al.* abstract; col. 1, lines 26-57; col. 5,

lines 31-54; col. 12, lines 63-67; col. 13, lines 1-3, 29-35, 54-59; *Bergman et al.*

abstract; col. 1, lines 15-49; col. 2, lines 24-37, 54-57; col. 3, lines 3-8, 16-20, 28-30,

56-61; col. 5, lines 29-67; col. 6, lines 1-9, 57-62; col. 7, lines 1-62; col. 8, lines 5-8;

col. 9, lines 55-67; col. 10, lines 1-21, 33-44, 51-65; col. 11, lines 27-50; col. 12, lines

66-67; col. 13, lines 1-3, 56-67).

11.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to X L. Bautista whose telephone number is (571)

272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-

6:00PM.

   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

12.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X L Bautista
Primary Examiner
Art Unit 2179

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August 11, 2005